IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

TUESDAY, THE 12TH JUNE 2007 / 22ND JYAISHTA 1929

**WP(C).No. 9376 of 2007(S)**

PETITIONER:

P.K.IBRAHIM, ADVOCATE, AL-JANNAH,
I.S.PRESS ROAD, ERNAKULAM, KOCHI 682 018.

BY ADV. SRI.P.CHANDRASEKHAR

RESPONDENTS:

1. THE STAE OF KERALA, REPRESENTED BY
CHIEF SECRETARY, GOVERNMENT OF KERALA,
SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DISTRICT COLLECTOR, IDUKKI.

3. THE SUPERINTENDENT OF POLICE, IDUKKI.

4. THE TAHSILDAR, THODUPUZHA, IDUKKI DISTRICT.

5. THE GEOLOGIST, DEPARTMENT OF MINING &
GEOLOGY, IDUKKI.

6. KANHIKKUZHY GRAMA PANCHAYATH,
KANHIKKUZHY, REPRESENTED BY ITS
SECRETARY, KANHIKKUZHY P.O.,IDUKKI DISTRICT.

7. VELLATHUVAL GRAMA PANCHAYATH,
VELLATHUVAL, REPRESENTED BY ITS SECRETARY,
VELLATHUVAL PO, IDUKKI DISTRICT.

8. KONNATHADY GRAMA PANCHAYATH,
KONNATHADY, REPRESENTED BY ITS
SECRETARY, KONNATHADY PO, IDUKKI DISTRICT.

SENIOR GOVERNMENT PLEADER SRI.P.K.BABU

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 12/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**H.L. DATTU, C.J. & K.T. SANKARAN, J.**

**.....**

**W.P.(C )No. 9376 OF 2007**

**.....**

**Dated this the 12th June, 2007**

**J U D G M E N T**

**H.L. Dattu, C.J.:**

This is a Public Interest Litigation. The petitioner, before us, is a practising advocate of this court . He is also a tax payer and a social activist.

2. The reliefs sought for in this Writ Petition are as under:

*i) Constitute a committee consisting of Retired Judges/Senior Advocates/Environmental Activists and other eminent persons to monitor and supervise the sale of sand in lower Periyar and to ensure the proceeds thereof is utilized for revival of river Periyar.*

*ii) Issue appropriate orders directing the State and its officers to prevent illegal and unauthorized sand mining in lower Periyar area forthwith.*

*Iii) Appoint a fact finding Commission to inspect and report about the illegal and unauthorized sand mining from lower Periyar area of Periyar river.*

*iv) Issue a writ of mandamus or any other writ order or direction directing the 1st respondent to take suitable action against the erring officials and recover the loss suffered by*

*the State from the officials and persons concerned for the loss caused to the State by illegal removal of sand from Periyar; and*

*v) Pass such further orders as this Honourable Court may be pleased to grant on the facts and circumstances of the case ."*

2. When the case came up for admission, we had directed the State Government to file their statement of objections, if any and also to tell us as to what precautionary measures they have taken to prevent the illegal excavation of sand from the banks of the Periyar river.

3. At paragraphs 7 and 8 of the statement of objections filed by the respondents, they have stated, as under:

*"7. It is submitted that the huge collection of sand deposited between Kallarkutty Dam and Lower Periyar Dam has been sold by the above three Panchayat authorities without affecting the ecology and an amount of Rs.1,25,51,140/- has been realized to Government and to Panchayats. Beyond the sand already collected there is a large quantity of sand to be excavated from the above said area.*

*8. It is submitted that now there is no illegal sand mining is going on. Necessary action has been taken to prevent the illegal mining from that area. The sand mining activities*

*are permitted in accordance with provisions of the Kerala River Bank Protection and Sand Mining Act and Rules except in the procedure of sanctioning approved Kadavus. But the special arrangements are approved by the District expert Committee on 28.02.2007."*

4. After going through the statement of objections filed by the respondents, we are of the opinion that the respondents have taken all effective steps to prevent the illegal mining of sand from the Periyar river.

5. Placing on record the statement of objections filed by the respondents, this Writ Petition is disposed of, having become unnecessary for the present.

Ordered accordingly.

**H.L. DATTU,**
**CHIEF JUSTICE.**

**K.T. SANKARAN,**
**JUDGE.**

**lk**